

U.S. DISTRICT COURT
DISTRICT OF N.H.
FILED

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DECEMBER 20, 2013

PAMELA E. PHELAN
OPERATIONS MANAGER
55 PLEASANT STREET, Room 110
CONCORD, NH 03301-3941

DEAR Miss PHELAN;

I AM IN RECEIPT OF YOUR LETTER DATED ON
DECEMBER 12, 2013. BECAUSE I AM CURRENTLY IN THE 'HOLE'
I CANNOT TYPE THIS LETTER TO YOU SORRY.

PLEASE REMEMBER ACCORDING TO THE STATUTE'S
THAT GOVERN A CIVIL COMMITMENT UNDER 18 U.S.C. 4247(a)
4247(h). A DEFENDANT CAN FILE A PETITION TO THE
COURT WHO ISSUED A 4246 HEARING AS LONG AS IT
IS FILED AFTER 180 DAYS PURSUANT TO SECTION 4247(h).

A 18 U.S.C SECTION 4247(h), CLEARLY STATES THAT
REGARDLESS IF THE DIRECTOR OF THE BUREAU OF PRISONS
FILES A CERTIFICATE OF DANGEROUSNESS, A DEFENDANT
HAS A RIGHT TO ASK HIS COUNSEL IN THE CRIMINAL
CASE NO. 1:11-CR-06-JL, TO ASK FOR A HEARING "WHY"
I SHOULD REMAIN IN THE CUSTODY OF THE ATTORNEY
GENERAL, REMEMBER THIS IS WHAT CONGRESS WROTE
IN STATUTE 4247(h), AS LONG AS I AM IN CUSTODY
OF THE ATTORNEY GENERAL FOR MORE THAN 180
DAYS MISS PHELAN, I HAVE BEEN IN CUSTODY SINCE
MY LAST HEARING IN CONCORD, NH OF FEBRUARY 13, 2013,
SO IF YOU DO THE MATH IT HAS BEEN WELL OVER 180 DAYS.

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IN YOUR LETTER TO ME YOU EVEN STATED THAT A "WRIT OF MANDAMUS" IS A CIVIL RELIEF AND YOUR RIGHT. EVEN THE STATUTE OF 4247(h) HEARING IS A FORM OF CIVIL RELIEF, WHICH I AM REQUESTING.

I HAVE ASK MY ATTORNEY, IN THE CRIMINAL CASE 1:11-CR-06-JL TO FILE AND REQUEST A HEARING LEGALLY FOR ME BUT HE HAS REFUSED TO DO SO. SINCE I WAS GRANTED LEAVE BY TWO U.S. DISTRICT COURT JUDGES IN BOSTON, MA, WHO WERE ON MY "WRIT OF HABEAS CORPUS" DOCKET NO. 1:13-CV-11564-NMG., I HAD NO CHOICE BUT TO FILE A "WRIT OF MANDAMUS" WHICH IS A PRO SE PLEADING, ASKING JUDGE JOSEPH N. LA PLANTE TO ISSUE A COURT RULING ON MY CIVIL PETITION.

SEE PAMELA PHELAN, SINCE MY CRIMINAL ATTORNEY HAS REFUSED TO ASK FOR A HEARING PURSUANT TO 4247(h), I HAD NO CHOICE BUT TO FILE A PRO SE "WRIT OF MANDAMUS" REQUESTING RELIEF IN THE FORM OF A VERY LEGAL PRO SE "WRIT OF MANDAMUS" CIVILLY.

SINCE 4247(h) WENT PASSED THE REQUIRED TIME FRAME THAT CONGRESS INVOLVED IN THE STATUTE OF 18 U.S.C. SECTION 4247(h), IT NOW! AFTER 180 DAYS TURNS INTO A CIVIL MATTER AND IT STATES SO UNDER "YOUR ATTORNEY CAN REQUEST A HEARING ON MY "DISCHARGE" AND WHY I SHOULD STILL BE HELD IN THE CUSTODY OF THE ATTORNEY GENERAL, AND SINCE MY ATTORNEY HAS REFUSED TO FILE THIS MOTION I AM.

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I do understand your reasoning, that my case is a criminal one, however, I tried getting this case in front of a jury trial in New Hampshire but Prosecutor Huftalen turned this case into a civil matter on February 13, 2013 and wanted me held for a "Dangerousness Hearing"

Also, I do have a valid reason in seeking this relief, this is why I used the wording of a forced attorney was twice appointed to me in this criminal matter ① Paul Garrity from Londonderry, NH was remove after 18 months on this case and he received \$28,900 dollars of taxpayers money for doing nothing in this case, and ② Schulman received \$15,600 and he has refused to file this petition pursuant to 18 U.S.C. 4247(h) Discharge.

A "Writ of Mandamus" was properly file in this case, the standard changes on after a hearing to be held for a "Dangerousness Hearing" which Judge LaPlante did, even though the charges are still pending, on February 13, 2013 the criminal case went civilly, but Judge LaPlante's order to hold me civilly and since it went beyond 180 days, I can only ask for a hearing in the court who first ordered me to be held civilly for a "Dangerousness Hearing" and you letter marks this petition to be heard and responded to within 30 days by Judge LaPlante. Sincerely, Brian P. Mahony